

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

IN RE NATIONAL PRESCRIPTION
OPIATE LITIGATION

This document relates to:

*County of Summit, Ohio, et al. v. Purdue
Pharma L.P., et al.,*
Case No. 18-op-45090 (N.D. Ohio)

*The County of Cuyahoga, Ohio, et al. v.
Purdue Pharma L.P., et al.,*
Case No. 17-op-45004 (N.D. Ohio)

**MDL No. 2804
Case No. 17-md-2804
Judge Dan Aaron Polster**

**PHARMACY DEFENDANTS' MOTION FOR LEAVE TO FILE MOTION
FOR SUMMARY JUDGMENT ON PLAINTIFFS' CIVIL CONSPIRACY CLAIM
AND SUPPORTING EXHIBITS UNDER SEAL**

Pharmacy Defendants¹ hereby seek leave to file under seal their Motion for Summary Judgment on Plaintiffs' Civil Conspiracy Claim, along with the exhibits attached thereto (together, the "Civil Conspiracy Motion"). This motion is filed pursuant to Case Management Order Number Two: Protective Order (Doc. 441) (the "Protective Order"), as amended by the Court's order of February 11, 2019 (Doc. 1357).²

¹ "Pharmacy Defendants" are CVS Rx Services, Inc. and CVS Indiana, L.L.C. ("CVS Distributors"), Rite Aid of Maryland, Inc., d/b/a Mid-Atlantic Customer Support Center ("Rite Aid"), Walgreen Co. and Walgreen Eastern Co. ("Walgreens"), HBC Service Company, an unincorporated operating division of Giant Eagle, Inc. ("Giant Eagle"), Discount Drug Mart ("DDM"), and Walmart Inc. ("Walmart").

² In a decision from which the mandate has not yet issued, the Sixth Circuit recently vacated a *different* protective order pertaining to data from the DOJ's ARCOS database. *See In re Nat'l Prescription Opiate Litig.*, No. 18-3839, 2019 WL 2529050, at *2 (6th Cir. June 20, 2019) (vacating Protective Order re: DEA's ARCOS/DADS Database, Doc. 167). Case Management Order Number Two pertains to "confidential, proprietary, and/or private information," including business information. *See* Doc. 441. That order is not affected by the Sixth Circuit's decision because it was not on appeal.

The Civil Conspiracy Motion contains information that has been designated “Confidential” and/or “Highly Confidential” under the Protective Order. The Pharmacy Defendants expect that the parties can reach agreement to de-designate much of the material that currently requires the Pharmacy Defendants to file under seal, and that the Pharmacy Defendants will then be able to file unsealed versions of the Civil Conspiracy Motion (with possible redactions). The Pharmacy Defendants will promptly seek to meet and confer with Plaintiffs on these issues. Following the meet and confer, the Pharmacy Defendants will file a public version (with redactions as necessary) of the Civil Conspiracy Motion in accordance with paragraph 62 of the Protective Order.

Dated: June 21, 2019

Respectfully submitted,

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